

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GARY ADAM MILLER,	:	CIVIL ACTION NO. 4:10-CV-51
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
MARIROSA LAMAS, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 6th day of February, 2018, upon consideration of the motion (Doc. 90) for appointment of counsel filed by *pro se* petitioner Gary Adam Miller (“Miller”), wherein Miller contends that he is without adequate knowledge or understanding of the law to prosecute his petition (Doc. 1) for writ of habeas corpus pursuant to 28 U.S.C. § 2254 without assistance of counsel, (see Doc. 90 at 1-2), and it appearing that Miller files his instant motion pursuant to 18 U.S.C. § 3006A(a)(2), which provides that a court may provide representation for a financially eligible person seeking relief under Section 2254 when “the interests of justice so require,” 18 U.S.C. § 3006A(a)(2), and it appearing that the claims of the petition for writ of habeas corpus do not present uniquely complex issues of law or fact, (Doc. 1), and that Miller is capable of prosecuting his claims and filing any appropriate objections to the report and recommendation presently pending in this case, (see Doc. 89), and the court thus finding that the interests of justice do not require the appointment of counsel at this stage of proceedings, see 18 U.S.C. § 3006A(a)(2), but noting that the issue of appointment of counsel will be revisited in the event the court rejects the

magistrate judge's report and determines that an evidentiary hearing is necessary, see 28 U.S.C. § 2254 Rule 8(c), and further upon consideration of Miller's motion (Doc. 93) for extension of time to file objections to the pending report, the court finding that the interests of justice do warrant the requested extension of time, it is hereby ORDERED that:

1. Miller's motion (Doc. 90) for appointment of counsel is DENIED without prejudice.
2. Miller's motion (Doc. 93) for extension of time is GRANTED. Miller shall have until **Wednesday, February 28, 2018** to file objections to the pending report (Doc. 89) and recommendation.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania